

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DANIEL L. SPUCK,)	
)	
Plaintiff,)	
v.)	C.A. No. 07-310 Erie
)	
FORMER GOVERNOR)	
THOMAS RIDGE, et al.,)	
)	
Defendants.)	

MEMORANDUM ORDER

Plaintiff's civil rights complaint was received by the Clerk of Court on November 6, 2007 and was referred to Chief United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Chief Magistrate Judge's report and recommendation, filed on October 22, 2008 [34], recommends that:

1. The motion to dismiss [18] filed by Defendants the Commonwealth of Pennsylvania, the Department of Corrections, and the PA Attorney General be granted;
2. The motion [21] to dismiss filed by Defendant Robert V. Barth be granted;
3. The motion [33] to dismiss filed by Defendant Paul Stowitsky be granted; and that
4. The claims against Defendant Thomas Ridge be dismissed in their entirety as frivolous, pursuant to the Court's authority under the Prison Litigation Reform Act.

The parties were allowed ten (10) days from the date of service to file objections.

Plaintiff's objections [36] were filed on November 14, 2008.

After de novo review of the Complaint and the documents in the case, together with the Report and Recommendation and Plaintiff's objections thereto, the following

order is entered:

AND NOW, this 5th Day of January 2009, IT IS HEREBY ORDERED that:

1. The motion to dismiss [18] filed by Defendants the Commonwealth of Pennsylvania, the Department of Corrections, and the PA Attorney General be, and hereby is, GRANTED;
2. The motion [21] to dismiss filed by Defendant Robert V. Barth be, and hereby is, GRANTED; and
3. The motion [33] to dismiss filed by Defendant Paul Stowitsky be, and hereby is, GRANTED.

IT IS FURTHER ORDERED that, pursuant to the authority granted to courts in the Prison Litigation Reform Act, the claims against Defendant Thomas Ridge be, and hereby are, DISMISSED in their entirety as frivolous.

The report and recommendation of Chief Magistrate Judge Baxter dated October 22, 2008 [34] is adopted as the opinion of this Court.

s/ Sean J. McLaughlin

SEAN J. McLAUGHLIN
United States District Judge

cm: all parties of record.
Chief U.S. Magistrate Judge Susan Paradise Baxter